



Edward Phillips
Attorney
JUN 16 AM 9 46

TN REGULATORY AUTHORITY
DOCKET ROOM

NCWKFR0313
14111 Capital Blvd
Wake Forest, NC 27587-5900
Voice 919 554 7870
Fax 919 554 7913
edward.phillips@mail.sprint.com

June 15, 2004

Chairman Deborah Taylor Tate
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: Supplemental Responses of SprintCom, Inc. d/b/a Sprint PCS
Docket No. 03-00633

Dear Chairman Tate:

Enclosed for filing in the above-referenced proceeding are the original and thirteen (13) copies of Supplemental Responses of SprintCom, Inc. d/b/a Sprint PCS ("Sprint") to the Discovery Requests of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives.

Copies of Sprint's Supplemental Responses are being served upon all parties of record in this proceeding. If I can be of assistance, please call me at your convenience.

Sincerely yours,

Edward Phillips

HEP:sm

Enclosures

cc: R. Dale Grimes
Timothy C. Phillips
Melvin J. Malone

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In Re:)	
)	
Tennessee Coalition of Rural Incumbent)	
Telephone Companies and Cooperatives)	
Request for Suspension of Wireline to)	Docket No. 03-00633
Wireless Number Portability Obligations)	
Pursuant to Section 251(f)(2) of the)	
Communications Act of 1934, as Amended)	

SPRINT'S SUPPLEMENTAL RESPONSE TO DATA REQUESTS OF THE TENNESSEE
COALITION OF RURAL INCUMBENT TELEPHONE COMPANIES AND
COOPERATIVES

SprintCom, Inc. d/b/a Sprint PCS ("Sprint") by and through undersigned counsel, hereby submit Sprint's Supplemental Responses to Data Requests of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives. Sprint previously filed responses to questions 8 and 18 of this data request on June 14, 2004.

DEFINITIONS

In these discovery requests, the terms "document" or "documents" or "documentation" refers to all written, reported, recorded or graphic matter (including all drafts, originals and nonconforming copies that contain deletions, insertions, handwritten notes or comments, and the like) however produced or reproduced to any tangible or intangible, permanent or temporary record and, without limitation, shall include the following. all letters, correspondence, records of conferences or meetings, memoranda, notes, printed electronic mail ("e-mail"), telegrams, telephone logs, teletypes, telexes, banking records, notices of wire transfer of funds, canceled checks, books of account, budgets, financial records, contracts, agreements, invoices, speeches,

transcripts, depositions, press releases, affidavits, communications with government bodies, interoffice communications, working papers, newspaper or magazine articles, computer data, tax returns, vouchers, papers similar to any of the foregoing, and any other writings of every kind and description (whether or not actually used) and any other records from which information can be obtained and translated into reasonably usable form, including without limitation, e-mail, voice recordings, video and audio recordings, photographs, films, tapes and other data compilations.

GENERAL OBJECTIONS

Sprint objects to all interrogatories and requests for production involving documents or data that are (1) subject to the attorney-client privilege, (2) attorney work product, or (3) prepared in anticipation of litigation. Sprint also objects to all interrogatories and requests for production involving documents or data from jurisdictions other than Tennessee. Such documents or data have no application to the present dispute, are irrelevant to a determination of the issues raised in this proceeding, and will not lead to relevant discovery.

DISCOVERY REQUESTS

1. Please list since January 1, 1997 to the present the number of requests Sprint has received for numbers to be ported to Sprint from a wireline number of a customer served by any member of the Coalition. For each request, please list the company and exchange for the number that has requested porting, the telephone number associated with that request, and the date of the porting request.

RESPONSE: Under the Telecommunications Act of 1996 and the Federal Communications Commission's ("FCC") rules and orders, the Coalition has the evidentiary burden in this matter, not the opposing party. Sprint also objects to this request on the grounds that it does not maintain the information requested in the ordinary course of its business. Sprint further objects to this request on the grounds that it is overly broad, unduly burdensome, irrelevant, and immaterial. The request covers a period not reasonably calculated to lead to the discovery of relevant, material, and admissible evidence. Moreover, the requested information is both irrelevant and immaterial to the obligation of Coalition members to timely implement intermodal number portability and to the resolution of the suspension requests. The requested information does not have the tendency to make the existence of any material fact more probable or less probable than it would be without the evidence. Without waiving its objections, Sprint responds as follows.

Sprint does not record or otherwise maintain any record of the requested information regarding port requests in the ordinary course of business. Compiling this information would be unduly burdensome. Sprint does, however, maintain such information (e.g. port volumes) once porting is implemented and such information can be obtained on a per carrier basis. Regardless, a carrier requesting LNP implementation need not support its request with any evidence showing level of porting interest.

2. Please provide a copy of each request from Sprint to a Coalition member for local number portability. Please state whether you consider any of these requests to be "bona fide" and please provide all factual and legal reasons supporting your position

RESPONSE: Under the Telecommunications Act of 1996 and the Federal Communications Commission's ("FCC") rules and orders, the Coalition has the evidentiary burden in this matter, not the opposing party. As such, Sprint objects to the request for production on the grounds that the information requested is obtainable from a more convenient, less burdensome, and less expensive source, as the information is in the possession or control of the respective Coalition members. If a Coalition member represents that it is unable, after a reasonable attempt, to locate the requested information, Sprint will produce the requested information.

Sprint believes all of its requests are "bona fide." The three FCC criteria for a valid BFR are: (i) specific request for LNP; (ii) discrete geographic area; and, (iii) date for implementation. Sprint's BFRs made a specific request for LNP stating, "This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC Docket 95-116). Specifically, this form requests that ALL codes be opened for portability within the Metropolitan Statistical Area and wireline switch CLLI codes designated below." With respect to the second element—discrete geographic area—Sprint's BFRs list the wireline switch CLLI codes in which Sprint requested LNP implementation. Finally, Sprint's BFRs list November 24, 2003 as the "Effective Date" for implementation. In short, Sprint's BFRs were valid and put Petitioners on notice of its intent to begin porting on November 24, 2003.

3 Please state whether Sprint can comply with porting requests and provide service for customers within all areas serviced by the Coalition. If there are any areas where Sprint cannot accept porting requests and provide service within this area, please specify the exchange and the Coalition member that serves that location.

RESPONSE: Sprint can comply with porting requests and provide service for customers within areas served by the Coalition carrier to whom Sprint sent a BFR. Sprint sent BFRs to carriers where it provides coverage in order to give as many consumers as possible the opportunity to choose the service provider that best meets the consumer's needs. Sprint will perform a "pre-port validation" query upon a customer request to port-in a number to Sprint. Assuming Sprint has obtained a trading partner profile from the previous service provider (e.g., the Coalition carrier) and coverage is verified, Sprint can proceed with the port request. There may be circumstances in which Sprint does not have ubiquitous coverage throughout a Coalition carrier's service territory in which case the customer must determine if Sprint's service coverage meets the customer's needs, but this decision is not unique to porting.

4. Is Sprint willing to be responsible for the costs to transport calls to a ported number where Sprint has no physical point of interconnection on the Coalition's network?

RESPONSE: Sprint will be responsible for transport costs to the extent required by applicable state and federal law or as otherwise negotiated in transiting and interconnection agreements. Under current federal law, the originating carrier bears the responsibility for delivery of their traffic to the terminating party.

5. Please state your position on how calls to a ported number should be routed by the Coalition member.

RESPONSE: In its Intermodal Porting Order released on November 10, 2003, the FCC concluded that porting from a wireline to a wireless carrier that does not have a point of interconnection or numbering resources in the same rate center as the ported number does not, in and of itself, constitute location portability, because the rating of calls to the ported number stays

the same. A wireless carrier porting-in a wireline number is required to maintain the number's original rate center designation following the port. As to the routing of calls to ported numbers, therefore, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center.

6 Please confirm that Sprint does not dispute the costs set forth by each Coalition member in the Amended Petition on pages 10-14. If Sprint's response is anything but an unqualified confirmation, please provide the legal and factual basis for the response

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product and/or was prepared in anticipation of litigation or for hearing. Without waiving this objection, Sprint responds as follows:

As explained in the Direct Testimony of witness Hoke R. Knox filed on behalf of Sprint PCS in this docket on June 4, 2004, Sprint does not believe that the Petitioner's have met their burden of proof in demonstrating that the costs meet the statutory test contained in 47 U.S.C. § 251(f)(2). As such, Sprint cannot confirm that it does not dispute the costs set forth by coalition members in their Amended Petition.

While Petitioners have not provided adequate cost information, Sprint notes that under 47 C.F.R. 52.33 incumbent local exchange carriers, such as the Petitioners, may recover their carrier-specific costs directly related to providing LNP by establishing a monthly number portability charge in tariffs filed with the FCC. The FCC will determine which costs are LNP-related by applying a "but-for" test and additional analysis. Sprint provided LNP in Tennessee rural markets and recovered its costs via such an end user surcharge.

7 Please confirm that Sprint does not dispute the dates of in-office LNP technical, hardware, or software deployment, as provided in Attachment A to the Coalitions' Amended Petition. If Sprint's response is anything but an unqualified confirmation, please provide the legal and factual basis for the response.

RESPONSE: Sprint does not dispute the dates of in-office LNP technical hardware, or software deployment, as provided in Attachment A to the Coalitions' Amended Petition.

8 RESPONSE to question 8 was provided in Sprint's Response in this docket filed June 14, 2004.

9. Please produce copies of any and all documents referred to or relied upon in responding to the Coalition's discovery requests.

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product and/or is subject to the attorney-client privilege. To the extent this request seeks documents prepared in anticipation of litigations or for hearing and not generally discoverable, Sprint objects to this request on the grounds that the requesting party has not demonstrated a substantial need of the materials in the preparation of the case. Further, under the Telecommunications Act of 1996 and the FCC's rules and orders, the Coalition has the evidentiary burden in this matter, not any opposing party. Without waiving the foregoing objections, Sprint responds as follows

The following documents were used: FCC Orders from CC Dockets 95-116, 96-98, 99-200 may be found at the FCC website, <http://www.fcc.gov/>. Industry Numbering Committee (INC) documents used as industry guidelines for LNP may be found at the INC website, <http://www.atis.org/atis/clc/inc/inchom.htm>. Federal statute 47 U.S.C. 251 and federal regulations 47 CFR 52.20 through 47 CFR 52.33 and the documents specifically identified in 47 CFR 52.26(a).

10. Please provide all material provided to, reviewed by or produced by any expert or consultant retained by Sprint testify or to provide information from which another expert will testify concerning this case

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product and/or is subject to the attorney-client privilege. Without waiving its objections, Sprint response as follows:

See Response to Data Request No. 9.

11. Please produce all work papers of any of Sprint's proposed experts, including but not limited to file notes, chart notes, tests, test results, interview and/or consult notes and all other file documentation that any of Sprint's expert witness in any way used, created, generated or consulted by any of Sprint's expert witnesses in connection with the evaluation, conclusions and opinion in the captioned matter.

RESPONSE: Sprint objects to this request on the grounds that it is overly broad and unduly burdensome. Without waiving this objection, Sprint responds as follows:

See Response to Data Request No. 9.

12. Please produce a copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of Sprint's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

RESPONSE: None Used.

13. Please produce a copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of Sprint's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product and/or is subject to the attorney-client privilege. Sprint further objects to this request on the grounds that is overly broad and unduly burdensome. Without waiving the foregoing objections, Sprint responds as follows:

See Response to Data Request No. 9.

14. Please produce a copy of all articles, journals, books or speeches written or co-written by any of Sprint's expert witnesses, whether published or not.

RESPONSE: Sprint objects to this request on the grounds that is it overly broad and unduly burdensome. Further, this report is not tailored to the issues relevant and material to this matter, to the witness's respective roles at Sprint, or to the area of telecommunications and is not reasonably calculated to lead to the discovery of relevant, material, and admissible evidence. With respect to any published items requested, Sprint objects to this request for production on the grounds that such information is obtainable from a more convenient, less burdensome, and less expensive source. Consistent with its objections, Sprint responds as follows

Hoke Knox was the editor of the Architecture and Administrative Plan for LNP as identified in the Working Group's Report dated April 25, 1997 in 47 CFR 52.26(a). The website for the report is <http://www.fcc.gov/wcb/tapd/Nanc/lnpastuf.html>

15. Please produce any and all documentation, items, reports, data, communications, and evidence of any kind that Sprint intends to offer as evidence at the hearing or to refer to in any way at the hearing.

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product. To the extent this request seeks documents prepared in anticipation of litigation or for hearing and not generally discoverable, Sprint objects to this request on the grounds that it is overly broad, vague, and unduly burdensome. Without waiving its objections, Sprint responds as follows:

See Response to Data Request No. 9.

16. Please produce all documents that refer or relate to the subject matter of your responses to Request Nos. 1-7.

RESPONSE: Sprint objects to this request to the extent that the request seeks information that constitutes attorney work-product and/or is subject to the attorney-client privilege. Sprint also objects to this request on the grounds that it is overly broad, vague and unduly burdensome. Further, to the extent this request seeks generally non-discoverable documents prepared in anticipation of litigation or for hearing, Sprint objects to this request on the grounds that the requesting party has not demonstrated a substantial need of the materials in the preparation of the case. Moreover, under the Telecommunications Act of 1996 and the

FCC's rules and orders, the Coalition has the evidentiary burden in this matter, not any opposing party. Without waiving its objections, Sprint responds as follows:

See Response to Data Request No. 9.

17. Please identify by name, address, employer, and current telephone number, all persons having knowledge of the subject matter of your responses to Request Nos 1-7.

RESPONSE: Sprint objects to this request on the grounds that it is overly broad and unduly burdensome. Sprint further objects in reliance on the attorney-client privilege. Without waiving its objections, Sprint responds as follows:

See Response to Data Request No 9.

18. RESPONSE to question 18 was provided in Sprint's Response in this docket filed June 14, 2004.

Respectfully submitted this the 15th day of June, 2004.



Edward Phillips
SprintCom, Inc. d/b/a Sprint PCS
Mailstop: NCWKFR0313
14111 Capital Boulevard
Wake Forest, North Carolina 27587-5900
Telephone: 919-554-7870
FAX: 919-554-7913
Email: Edward.phillips@mail.sprint.com
Tennessee State Bar No. 016850

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of Sprint's Supplemental Responses to Data Requests of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives upon all parties of record to this Docket by depositing a copy addressed to each in the United States Mail, first-class postage prepaid.

This 15th day of June, 2004.

R. Dale Grimes
Bass, Berry & Sims PLC
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-3001

Timothy C. Phillips
Assistant Attorney General
Office of the Attorney General
P. O. Box 20207
Nashville, Tennessee 37202

Melvin J. Malone
Verizon Wireless
1200 One Nashville Place
150 4th Avenue North
Nashville, Tennessee 37219-2433



Edward Phillips
SprintCom, Inc. d/b/a Sprint PCS